

REMARKS

INTRODUCTION

Concurrently with this Amendment, a Request for Continued Examination has been filed. In accordance with the foregoing, claims 1, 2, 6, 7, 9, 15, 16, 17, and 19 -22 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-3 and 5-22 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102

In the Office Action mailed September 13, 2004 at page 2, numbered item 2, claims 1-3, 6-8 and 15-22 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,319,542 to King, et al. This rejection is traversed and reconsideration is requested.

Claim 1 is directed to a method for selling a commodity using a shopping site on a network. In its amended form, claim 1 recites that the method includes “providing, by a commodity selling system, a first network address for a constituent member of a particular group and a second network address for a customer who is not a member of the particular group,” and “judging whether a customer who has accessed a commodity selling system via the network is a constituent member of the particular group based on a network address accessed by the customer.” Commodities are sold based on first sales conditions “if the customer is a constituent member of the particular group, upon receiving the order for the commodity from the customer to the first network address.” Commodities are sold based on second sales conditions “if the customer is not a constituent member of the particular group, upon receiving the order for the commodity from the customer to the second network address.” Support for this amendment and similar amendments to claims 6, 7, 15-17, and 19-22 to refer to “network addresses” can be found in the originally filed Specification, at least on page 8, lines 19-25, and page 9, lines 1-9. These amendments to the claims have been made to clarify the term “address” in the pending claims.

In the Office Action at page 2, numbered item 2, the Examiner contends that King, et al. discloses a system for ordering items from an electronic catalog including a public catalog and a private catalog for selling items at special prices to special groups that have volume purchase agreements or corporate contract discounts or are special trading partners. In support of this position, the Examiner cites King, et al. at col. 4, lines 15-25. The cited passage of King, et al. states that the private catalog is owned by the customer and "most likely would be resident on a Customer's local host computer system." Thus, according to King, et al., a user has access to a private catalog residing on that user's local computer system. Additionally, in the Office Action at page 3, item 4, the Examiner has acknowledged that "King, et al. do[es] not disclose the particular access control of judging if a customer is a member of a particular group based upon an address or route used by the customer to gain access." Accordingly, Applicant respectfully submits that King, et al. fails to teach or suggest any method of determining whether or not a customer accessing a catalog on a network is a member of a particular group based on the network address accessed by the customer.

The present invention, in contrast, judges "whether a customer who has accessed a commodity selling system via the network is a constituent member of a particular group based on a network address accessed by the customer." Further, "a plurality of network addresses for access by a plurality of customers are provided." Thus, according to the present invention, a commodity selling system can determine whether a customer is a member of a particular group based on the network address used by the customer to access the catalog." That is, the catalogs accessed by different users. Accordingly, Applicant respectfully submits that, for at least this reason, amended independent claim 1 and claims 2 and 3 depending therefrom patentably distinguish over the prior art and are in condition for allowance.

Independent claims 6, 7, 15, 16, 17, and 19-21 also include at least the distinguishing feature of identifying a customer as a part of a group depending on the network address used to access the shopping site. Thus, for reasons similar to those set forth above, these independent claims and claim 8 depending therefrom patentably distinguish over the prior art and are in condition for allowance.

REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action mailed September 13, 2004 at pages 3-4, numbered items 4 and 5, claims 5 and 9-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over King et al. in view of U.S. Patent No. 6,330,543 to Kepecs. Applicant believes that claim 18, which depends directly from claim 9, may also fall within the Examiner's intended rejection (although not officially acted upon in the Office Action). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Regarding claim 5, the Examiner has acknowledged that King, et al. fails to teach or suggest the particular access control of judging if a customer is a member of a particular group based upon an address or route used by the customer to gain access. The Examiner, however, takes the position that Kepecs discloses that identification keys used to gain access to special promotions may include the address of the customer or other personal information. Applicant respectfully submits that claim 5 does not use the address of the customer or any other stored personal information to determine whether the customer is a member of a particular group. Rather, this determination is made by looking at the route taken by the customer to arrive at the particular network address where the shopping site resides. Accordingly, Applicant respectfully submits that King, et al., alone or in combination with Kepecs, fails to teach or suggest the invention of independent claim 5.

Amended independent claim 9 recites "a certification unit checking whether a customer is a constituent member of the particular group with reference to said certification information storage unit, when accessed by the customer via a network based on a network address accessed by the customer," wherein "a plurality of network addresses for access by a plurality of customers are provided." Thus, amended independent claim 9 and dependent claims 10-14 and 18, like claims 1-3, 6-8, 15-17, and 19-22, use the network address of the shopping site as a means of determining whether a customer is a member of a group. As previously stated, Applicant respectfully submits that King, et al. and Kepecs, either alone or in combination, fail to teach at least this feature of the present invention. Accordingly, Applicant respectfully submits that amended independent claim 9 and dependent claims 10-14 and 18 patentably distinguish over the prior art for similar reasons as claim 1-3, 6-8, 15-17, and 19-22 and are in condition for allowance.

CONCLUSION

It is respectfully requested that this Preliminary Amendment be entered in the above-referenced application.

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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